

Rep. Insko:

Questioned the pre-trial process.

Sen. Kinnaird responded there is currently no pre-trial process that exempts a person with severe mental illness unless that person has mental retardation.

Sen. Hartsell:

Does a judge have the qualifications to make a decision if the person has severe mental illness?

Yes, the judge does have the qualifications.

Rep. Stiller:

How would the state of mind of the offender at the time of the crime be determined and what is the timeline for having the offender evaluated?

The capital defender office is notified immediately. They send out lead council. The capital defender may appoint even a second council. The US Supreme Court has mandated what is required of capital defense attorneys. A trained mental health professional will be called to evaluate the client. They are brought in fairly close to when the crime was committed.

Rep. Stiller:

If this law was created, could a death row inmate file a petition to be eligible for an evaluation to determine severe mentally illness at the time of the crime? If they do send it in, are the petition investigated?

Most if not all death row inmates are represented by council. The law says their claim must be supported by appropriate affidavits. The client must have expert opinions and records on file.

Sen. Hartsell:

What extent does the definition of severe mental ill differs from that of the M'Naughton Rule?

Hal Pell gave the definition of the M'Naughton Rule.

Ms. Steven followed up to discuss the difference between M'Naughton Rule and the new legislation.

Rep. Insko recognized Dr. Rogers to follow up on additional answers from questions from the Committee.

Rep. Insko asked for a motion to authorized Staff to prepare a report based on the preceding with no recommendation as to the bill. The motion was made and passed.

Rep. Insko adjourned the meeting at 3:45 pm.